

REPORT OF CHIEF PLANNER

University Hospital Nhs Trust Queens Medical Centre , Derby Road

1 SUMMARY

Application No: 18/01091/PFUL3 for planning permission

Application by: C G Partnership Architects LLP on behalf of Nottingham University Hospitals NHS Trust

Proposal: Construction of single storey generator house and transformer building

The application is brought to Committee because it has generated representations from local Ward Councillors and significant public interest.

To meet the Council's Performance Targets this application should be determined by 31st October, for which an extension of time has been agreed.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND

3.1 This planning application relates to two sites located within the Queens Medical Centre hospital campus off Derby Road.

Site 1

3.2 The first site is located to the front of the west elevation of the main hospital building. The west elevation of the main building has a central recess which was previously used for parking. The Magnetic Resonance Imaging (MRI) unit, a flat roofed two storey building, has been built in the northern part of the recess. An additional plant room serving the MRI unit and the siting of a re-locatable MRI unit have subsequently received planning permission to the front of the existing MRI unit. A large single storey temporary theatre building, which was granted planning permission earlier in 2018, is currently being constructed in the southern part of the recess. This application specifically relates to an area of car park/hardstanding located to the front of the west block. To the west of the car park is the hospital's internal service road with Clifton Boulevard beyond.

Site 2

- 3.3 The second site is an existing operations compound located in the northwest part of the hospital campus. The compound is currently occupied by 3 single storey buildings including an electricity substation, generator house and a road grit store, with associated hard standing and soft landscaping. A steep, often near vertical cliff (walls of former quarry), is situated to the immediate northwest and south west and is heavily treed. Residential properties fronting Derby Road are located to the north and sit at an elevated position above the site on top of the cliff. Clifton Boulevard is located to west, this too is located at an elevated position above the site. Access Roads to the QMC border the site to the south and east.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the construction of a transformer building to the front of west block (site 1) and generator building on an area of amenity grassland to the front of the existing operations compound (site 2).
- 4.2 The transformer building would house high and low voltage electrical equipment necessary to supply power to the western part of the hospital. It would be flat roofed and single storey in height and would measure 14m in length by 11m in width. The elevations of the building would be constructed in brick.
- 4.3 The generator building would house two emergency stand by generators required to provide emergency power to critical medical services located in the western block of the hospital. It would be flat roofed and single storey in height and would measure 11.5m in length and 8.5m in width. The elevations of the building would be constructed in brick. The standby generators require regular testing and cumulatively it is anticipated that this would amount to a total of 3 hours usage per month.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

7 Neighbouring properties on Derby Road have been notified of the proposal.

Six representations have been received from Derby Road residents, including a day nursery, located to the west of the proposed generator building. Their concerns solely relate to the new generator building (site 2) and not the transformer building (site 1).

Residents have stated that existing emergency diesel generators, located to the rear of the Derby Road/ Hillside properties near the QMC's Boiler House, have caused significant air pollution and noise/vibration problems when they have been put into operation for regular maintenance reasons. They state that emissions at the time of their operation has resulted in a plume of diesel fumes being emitted and as a result they have to close all windows and doors and all activities in their private rear gardens have stopped.

The proposed new generators would be directly located to the rear of existing residential properties and a day nursery. Residents are concerned that the proposed generators would exacerbate existing air and noise pollution problems they currently experience. Owners of the nursery are concerned about health risks to children playing in the rear garden of the nursery and how it would affect their business. They question why the generator cannot be located elsewhere on the

hospital campus and seek clarification on when and how often it would need to operate.

One local resident expresses concerns about information contained within the submitted Air Quality Assessment. They draw attention to the following points:

- a) The existing pollution rating for the NG7 2EB is 4, which 'means that there is a strong chance of nitrogen dioxide levels exceeding the annual legal limit.' This is higher than the average for Nottingham, which is 2 out of 6 (moderate).
- b) There is a need for more appropriately located air quality monitoring stations around the QMC campus and Derby Road entrance.
- c) The Air Quality Assessment states that the most significant pollutant arising from operation of the two new generators is likely to be nitrogen dioxide (NO₂). It identifies *'The greatest potential for human exposure is on the footpaths closest to the Generator House and around the West Block'* where there is potential for the air directive limit for nitrogen dioxide to be exceeded. It also acknowledges that there is a potential environmental standard exceedance for benzene at the QMC's West Block. It notes a desire to reduce potential exposure to these pollutants. They are concerned that it does not specifically refer to the impact of pollution associated with particulate matter emitted by diesel fuels. There is evidence to indicate that these particulates are strong contributors to lung and other respiratory diseases.
- d) No mention is made of how to reduce the potential exposure of the people who live in the properties who sit above and close to the Generator House, comparable to those of the upper floors of West Block. The Assessment also notes that, regardless of flue orientation, the air directive limit for nitrogen dioxide *'... is predicted to be exceeded ... at nearby residential locations on Derby Road ...'*. There is concern that properties and their residents will be at risk of exposure to higher pollution levels, as a result of the operation of these generators at this location, greater than those they are already exposed to and which, they understand, Nottingham City Council is required to take action to reduce.
- e) Adjacent properties are located at the top of a sandstone ridge. The height of the ridge, combined with the height of the blocks that make up the QMC and the Medical School result in a 'canyon' between the two with very localised and unpredictable atmospheric and acoustic conditions. The ground elevation does not accurately identify the presence of the sandstone ridge and they cannot find in the Assessment document that this significant geological feature has been taken into account in the analysis.
- f) The Assessment does not include an appreciation of the 'canyon' effect. They consider the sandstone ridge to be significant in the transmission of noise and vibration, and particularly on the dispersal of pollutants. Hence the potential to influence the exposure of neighbouring homes and the children's nursery to harmful pollutants.
- g) The documentation states that the Trust has indicated that the normal operation period for [each] generator will be around 3 hours per month, 36 hours a year. This will include a weekly check of duration 5 to 10 minutes, and a monthly check of up to 2 hours, as well as the obvious need to run the generator(s) in the event of power outages. The resident would however like to draw attention to some recently recurring problems associated with the existing generator located at the Boiler House adjacent to Hillside. In connection with these problems, which include *'regular loud Tuesday morning testing'* and *'the boiler house ... emitting diesel [fumes]'*, the smell from which was *'so noxious we have had to close all our windows while this is going on'*, the Trust stated that there is

a 30 minute load test on the generator in question every week, and a full load test of duration around 2 hours once a month, which seems to indicate an annual load run total of around 50 hours. The discrepancy between this total and that quoted in the Assessment document is seen as interesting and it would have been helpful to have been able to discuss this with the Trust before setting out our objections.

- h) The QMC campus is large, and good parts of it are well away from the residential neighbourhood on Derby Road. There is already another generator house located alongside the River Leen at Leen Gate, and also another generator located between west block and the Medical School off Clifton Boulevard, both well away from a residential neighbourhood. They consider that it should be perfectly possible for the Trust to locate these two new generators elsewhere on the site where their operation will not risk air and noise pollution that impacts on the lives of the people who live in the Derby Road-Hillside neighbourhood.

Ward councillors have submitted representations in respect of the proposed development. They highlight that properties nearest the proposed site are homes to several long-term residents, a children's nursery and some Houses in Multiple Occupation. They consider that residents in these properties already experience air quality issues which, while not exceeding EU limits, is poor and mention that EHSP maintain a pollution diffuser on one of the properties to check for air quality.

They highlight that other residents living on Derby Road have contacted ward councillors in the past about another QMC generator which caused loud noise and visible emissions. On this occasion councillors asked EHSP to investigate and the issue was eventually rectified, but only after several months.

The ward councillors feel that residents are entitled to enjoy their properties and gardens without being exposed to unnecessary noise and pollution when the generator is periodically switched on. It is their opinion that the proposed generator could be sited elsewhere away from residential homes. They state that recent research has shown that even moderate exposure to diesel emissions is dangerous for human health. Therefore they urge that this proposal is refused and ask the Trust to consider another site away from residential properties.

Environmental Health and Safer Places (EHSP):

EHSP consider that the proposed transformer building is located within the QMC site and close to the ring road and is unlikely to affect any sensitive receptors beyond the QMC boundary in terms of both noise and air quality.

In terms of the proposed generators, EHSP are satisfied that the predicted level of attenuation is sufficient to minimise the impact of any operation of the generators on surrounding residents.

In terms of air quality EHSP raised concerns regarding the hourly air quality objective for nitrogen dioxide (NO₂), which on the basis of the submitted air quality assessment would be exceeded. Given these concerns further air modelling has been undertaken and further abatement technology is proposed to be incorporated into the plant. A revised air quality assessment has been submitted and the predicted contribution to concentrations of those pollutants affecting nearby residents, hospital users and staff during the operation of the generators were determined to be insignificant in terms of air quality impact, based on Environment

Agency assessment criteria. EHSP has raised no objections to the installation and operation of the generator plant as proposed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategy:

Policy A - Presumption in Favour of Sustainable Development.

Policy 10 - Design and Enhancing Local Identity.

Nottingham Local Plan (November 2005):

Policy CE1 – Community facilities.

Policy NE9 – Pollution.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the Development**
- ii) Impact on Residential Amenity**
- iii) Design and Impact on the Streetscene**

i) Principle of the Development (Policy A of the ACS Policy CE1 of the Local Plan)

- 7.1 The proposals would facilitate the improvement of hospital facilities and as such would comply with Policy A of the ACS and Policy CE1 of the Local Plan. Policy CE1 refers to the need to consider whether proposals would impact on the living conditions of local residents and this is addressed in the section below.
- 7.2 The buildings would house crucial plant and equipment required to secure the continued safe functioning of clinical operations at the hospital. The NHS Trust have stated that current power supplies to the western block of the hospital are at capacity due to expansion of new medical facilities such as the MRI facility and temporary theatre buildings. The transformer building forms a crucial facility to

expand existing power supplies to these medical facilities in the western part of the hospital. It would also provide a continued supply of power to critical medical services in the event of a power shortage/cut. This power would be generated by the new emergency stand by generators proposed.

- 7.3 The Trust have outlined the critical medical services that the new and emergency power supply would serve:
- Normal and emergency stand-by power supply to Modular Theatres
 - Theatre 18/19 and IMRI scanner
 - Theatre 1-17 ventilation upgrades
 - Permanent emergency stand-by power supply to the mortuary
 - ICT power supply upgrade for expansion of IT server expansion
 - Additional new MRI capacity – West Block
 - AMRU – new ventilation plant – A Floor – West Block
 - Histopathology - Cat 3 Lab – new ventilation plant - A Floor – West Block
- 7.4 The Trust have stated that both the current modular theatre and the theatre 18-19 IMRI project works are dependent upon the provision of a new power supply and emergency stand-by supply from the new substation and stand-by generators, both of which require an electrical supply by April 2019. Works on the new transformer and stand by generator need to be commenced by October 2018 to ensure completion by this date.
- 7.5 The Trust have carried out a detailed investigation and survey work of alternative locations for the generator building. The new transformer building is at a fixed location to the front of the west block. Engineering limitations related to maximum cable sizes and the loss of electrical transmission between the electrical transformers and the stand by generator, restrict the length of electrical cabling to be a maximum of 380m. Site investigation identified that much of the intervening parking areas between the transformer building and operations compound are populated by existing important infrastructure that cannot be relocated and would result in the generators being too close to the main hospital building. The Trust, in conclusion, have stated that nearest site for the stand by generators would be at the edge of the operations compound, as currently proposed.
- ii) Impact on Residential Amenity** (Policy 10 of the ACS and Policies CE1 and NE9 of the Local Plan)
- 7.6 The location and operation of the proposed transformer building, given its use and location away from nearby residential properties, would not have a material impact in terms of noise and air pollution from its operation.
- 7.7 The main issue relates to the siting and operation of the proposed generator building and its impact on the amenities of residential properties along Derby Road. The building would be located close to the boundary of the QMC campus, to the rear of properties on Derby Road. The Trust has stated that there is no alternative location for the building, which would be located in an existing operations compound together with other plant and equipment. Given its proximity to residential properties on Derby Road the Trust have submitted a Noise and Air Quality Assessment to address issues of potential noise and air quality.
- 7.8 The proposed generators are to be used as emergency stand by capacity, operated during periods of power loss for critical services in the west block. Under normal

circumstances the generators would be operated for to 3 hours per month, for maintenance purposes only. The building would accommodate two generators operated by direct injection diesel engines.

- 7.9 In terms of noise impact, EHSP have stated that the rear facades of residential properties along this part of Derby Road are likely to experience elevated noise levels due to existing road traffic in the vicinity. The residential properties are partially protected by a bank which would provide some acoustic screening. The Noise Assessment has provided noise modelling outputs for when the generators are operating and sets out the recommended noise abatement insulation which would be installed. The predicted noise levels from the operation of the generators at the nearest noise sensitive receptor on Derby Road is 37 dBA. The average day time noise level obtained during the monitoring period was 53.5 dB L_{Aeq} ; the corresponding night-time noise level was 48.3 dB L_{Aeq} . The background daytime noise levels were 50.6 dB L_{A90} and 44.9 dB L_{A90} respectively. At night the background noise level (L_{A90}) dropped for a period to between 40 & 41 dB L_{A90} .
- 7.10 EHSP consider the predicted noise level from the operation of the generators during the night would be well below the prevailing background noise level. Given that the generators are only for emergency use to cover interruptions in the mains supply to the QMC, EHSP are satisfied that the predicted level of attenuation would be sufficient to minimise the impact of any operation of the generators at night on surrounding residents.
- 7.11 As a result of concerns raised by EHSP regarding the impact of potential air pollutants released during the operation of the proposed emergency generators, on existing air quality in the surrounding area, the Trust have fitted the following abatement technology to the generators:
- Selective catalytic reduction (SCR) for the abatement of nitrogen oxides
 - Diesel oxidation catalyst (DOC) for the reduction of carbon monoxide and unburnt hydrocarbons
 - Diesel particulate filter (DPF) for the abatement of particulate emissions
- 7.12 Further detailed air quality modelling, taking into account not only the height and proximity of west block but also the sandstone edge to the rear of Derby Road properties, and differing meteorological conditions, has been carried out and a revised Air Quality Assessment has been submitted. EHSP consider that the air quality modelling outlined in the report demonstrates that for all pollutants considered in the assessment (nitrogen dioxide (NO₂), nitric oxide (NO), carbon monoxide (CO), particular matter of 10 microns (PM₁₀) and volatile organic compounds (VOCs)), that with the exception of sulphur dioxide (SO₂), the predicted contribution to concentrations of those pollutants affecting nearby residents, hospital users and staff during the operation of the generators, were determined to be insignificant in terms of air quality impact based on Environment Agency assessment criteria. For SO₂ the process contribution at most locations is a small proportion of the ambient air quality standard.
- 7.13 The generators are proposed to be operated for approximately 3 hours per month for maintenance & servicing purposes. EHSP also required the assessment of their impact to include the generators being operated for 500 hours in any year (this is the threshold above which the generator plant would require permitting by the Environment Agency). The report concluded that regardless of the period of

operation, pollutant releases from the proposed generators pose no threat to continued attainment of air quality standards in the local area.

- 7.14 EHSP are satisfied with the findings of the revised Air Quality Assessment and have no objections to the installation & operation of the generator plant as described in the submitted application.
- 7.15 The Trust has stated that the hospital is currently served by several existing stand by generators installed pre-1970. These generators supply emergency power to others parts of the hospital in the east and south blocks of the hospital and their siting has been subject to the same technical restrictions as mentioned above. Maintenance and assurance of these generators operation similarly require their monthly running. It is these stand by generators which residents refer to in their letters of representation.
- 7.16 Particular mention has been made to the existing generator adjacent to the hospitals boiler house, to the rear of residential properties on Hillside and Derby Road. The Trust have stated that this generator is planned to be replaced with the same type of modern generator currently proposed. It too will be fitted with a catalytic converter and particulate filter and would operate for up to 3 hours per month, for maintenance purposes only, as currently proposed.
- 7.17 The proposal would therefore be compatible with adjoining and nearby uses and not impact or cause significant detriment to residents living conditions in compliance with Policy 10 of the ACS and Policies CE1 and NE9 of the Local Plan.

iii) Design and Impact on the Streetscene (Policy 10 of the ACS)

- 7.18 The buildings by their nature, are small and functional in their appearance.
- 7.19 The transformer building would be located in a prominent position to the front of the hospital's western elevation. This western elevation has an open aspect, which is highly visible from Clifton Boulevard. The scale and appearance of the building has been designed to minimise its visual impact as much as possible and would be largely viewed against a back drop of the main hospital building. Its elevations would be blank due its function and are proposed to be simply treated in brickwork, although this may be further mitigated by landscaping. The proposed location on existing staff parking has been chosen to minimise disruption to staff only.
- 7.20 The generator building would be viewed against the backdrop of existing buildings within the operations compound and the sandstone cliff and vegetation to the rear. Its elevations would be blank due its function and are also proposed to be simply treated in brickwork. It is considered that the proposed scale and appearance of the generator building would not visually impact on the wider streetscene.
- 7.21 Given the nature and context of the proposed buildings and their siting within the existing hospital campus, it is considered that their appearance is acceptable and complies with Policy 10 of the ACS.

8. SUSTAINABILITY / BIODIVERSITY

The submitted ecological survey concluded that no protective species were evident on both sites and their surroundings. The Biodiversity officer is satisfied that the proposed air emissions resulting from the operation of the generators, given their

limited use and the abatement technology proposed to be incorporated, would not have an adverse impact on nearby wildlife areas. Three semi mature amenity trees would need to be removed to allow for the construction of the generator building. A condition requiring their replacement is proposed.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 18/01091/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P9U61GLYK8T00>

17 Published documents referred to in compiling this report

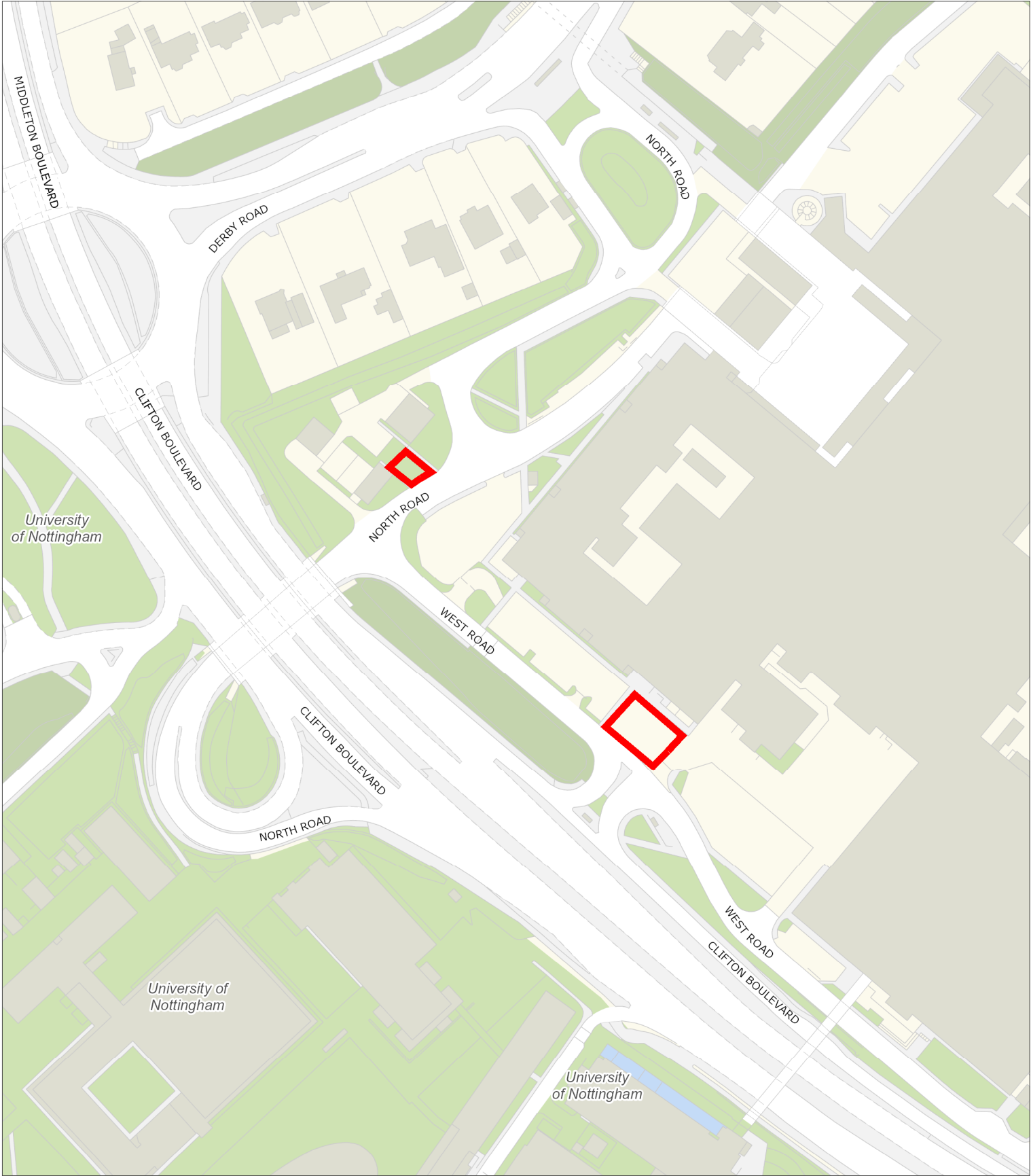
Nottingham Local Plan (November 2005)

Contact Officer:

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NOMAD printed map



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Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/01091/PFUL3 (PP-07026345)

Your Ref:

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**Nottingham
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 18/01091/PFUL3 (PP-07026345)
Application by: Nottingham University Hospitals NHS Trust
Location: University Hospital Nhs Trust Queens Medical Centre , Derby Road, Nottingham
Proposal: Construction of single storey generator house and transformer building

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
2. No development shall commence until details of all external materials have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials. <i>Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.</i>
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)



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3. The development shall not be brought into use until details of a tree planting scheme has been submitted to and approved in writing by the Local Planning Authority.

(a) The planting scheme shall be on the basis of a 1:1 replacement of each tree to be removed and include details of the type, height, species and location of all new trees, and the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation;

(b) any trees which die, are removed or become seriously damaged or diseased within five years following the footbridge being first brought into use shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; and

(c) no part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: In order to ensure the loss of the trees as a result of the siting of the development is adequately mitigated and to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

4. Prior to the first use of the stand-by generators, the mitigation measures to reduce the impact of noise, as set out the Noise Impact Assessment written by SOCOTEC Report Number: 18_08_97330_GT_1 dated 16th August 2018 shall be implemented and completed in full accordance with the approved details.

The approved mitigation measures to address concerns about noise shall be maintained, serviced and operated in accordance with manufacturer's recommendations for the life of the development.

Reason: To protect the amenities neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

5. Prior to the first use of the stand-by generators, the mitigation measures to reduce the impact on air quality, as set out the Revised Air Quality Assessment written by SOCOTEC Report Number: LSO180825 dated 19th September 2018 shall be implemented and completed in full accordance with the approved details.

The approved mitigation measures to address concerns about air quality shall be maintained, serviced and operated in accordance with manufacturer's commendations for the life of the development.

Reason: To protect the amenities neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 25 June 2018.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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RIGHTS OF APPEAL

Application No: 18/01091/PFUL3 (PP-07026345)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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